



Docket No.: 248262US2DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/772,237

Applicants: Vincent BELAICHE

Filing Date: February 6, 2004

For: METHOD FOR BALANCING THE RATIO EB/I IN A
SERVICE MULTIPLEXING CDMA SYSTEM AND
TELECOMMUNICATION SYSTEMS USING SAME

Group Art Unit:

Examiner:

ATTORNEYS AT LAW

ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

MICHAEL E. MONACO
REGISTERED PATENT AGENT
(703) 413-3000
MMONACO@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02(VIII)

Our check in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

I:\ATTY\MM\KONGKHAM\248262.PTO.COVER...DOC

Michael E. Monaco
Registration No. 52,041



DOCKET NO: 248262US-2 DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
VINCENT BELAICHE : EXAMINER:
SERIAL NO: 10/772,237 :
FILED: FEBRUARY 6, 2004 : GROUP ART UNIT:
FOR: METHOD FOR BALANCING THE :
RATIO EB/I IN A SERVICE
MULTIPLEXING CDMA SYSTEM AND
TELECOMMUNICATION SYSTEMS
USING SAME

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02(VIII)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I. Basis for the Petition

Pursuant to MPEP § 708.02(VIII) (8th ed. 2001), applicants hereby petition for a special status for this application.

II. Requirements for Granting Special Status

MPEP § 708.02(VIII) provides five requirements for a grant of special status. The following subsections show that each of these five requirements is met.

A. Submit Petition and Fee: § 708.02(VIII)(A)

This petition is accompanied by the fee set forth in 37 CFR § 1.17(h).

B. Agree to an Election Without Traverse: § 708.02(VIII)(B)

Applicants submit that all claims as amended by the preliminary amendment are directed to a single, patentable invention. Moreover, the apparatus claims are sufficiently analogous to the method claims that the search and examination of the entire application

would not place a serious burden on the examiner, as required by MPEP § 803. However, should the Office determine that the claims presented are not directed to a single invention, applicants agree to elect the largest group of claims including Claim 1.

C. State that a Pre-examination Search Was Made:

§ 708.02(VIII)(C)

The claims in the present application define subject matter substantially related to the claims presented in pending parent application Ser. No. 10/359,705, grandparent application Ser. No. 09/930,469 (now U.S. Patent 6,545,983) and great-grandparent application Ser. No. 09/553,064 (now U.S. Patent 6,501,748). Therefore, Applicants submit the searches performed for the parent and grandparent applications are applicable to the present application.

A French Search Report was received for related application No. 09/641,918, a copy of which, along with all cited references including U.S. Patent 5,757,813 to Raith, was filed via an Information Disclosure Statement in great-grandparent application Ser. No. 09/553,064 and in grandparent application Ser. No. 09/930,469. Furthermore, a Petition to Make Special was granted in great-grandparent application Ser. No. 09/553,064 on May 16, 2002 based upon this French Search Report.

Great-grandparent application Ser. No. 09/553,064 was allowed on November 5, 2002 with an Examiner's Statement on Reasons for Allowance directed to U.S. Patent 5,757,813 to Raith. Grandparent application Ser. No. 09/930,469 was allowed without an Examiner's Statement on Reasons for Allowance and with no additional references cited by the Examiner in a PTO 892. Parent application Ser. No. 10/359,705 has yet to be examined.

D. Submit a Copy of the Most Relevant References:

§ 708.02(VIII)(D)

Since the present application is a divisional of application Ser. No. 10/359,705, which is a divisional of application Ser. No. 09/930,469, which is a divisional of application Ser. No. 09/553,064, all of the references considered in the parent and grandparent applications are deemed to be of record in the present application. Accordingly, the references deemed most relevant to the present claims are of record and are not resubmitted.

**E. Submit a Detailed Discussion of the References, Pointing
Out How the Claimed Subject Matter is Patentable Over
the References: § 708.02(VIII)(E)**

Each of the independent claims includes features not disclosed or suggested by the references deemed most relevant to the claims. The patentable features of each independent claim are discussed below followed by an analysis of the references deemed most relevant to the claims.

Independent Claim 14 is directed to a method for configuring a telecommunication system comprising a plurality of entities implementing a phase of communicating data conveyed by a plurality of transport channels. The entities comprise at least one sending entity and at least one receiving entity. A phase of communication of the sending entity comprises a plurality of processing procedures specific to the plurality of transport channels. Each processing procedure comprises a rate matching step that executes a transformation of an input block of an initial size into an output block of a final size by at least one of puncturing and repetition. The method further comprises:

“a step of transmitting a parameter representative of a maximum puncture rate from said receiving entity to said sending entity; and
a step of calculating, by said sending entity, for each of said processing procedures, said final size of said output block as a function of said initial size

of said input block on a basis of a criterion, said criterion being dependent on said parameter transmitted by said step of transmitting; wherein
some bits of said input block are punctured or repeated based on a variation between said final size and said initial size in said rate matching step.”

Independent Claims 18 and 23-24 are directed to apparatus embodiments corresponding to the method of Claim 14.

Below, each of the references deemed most relevant to the claims is briefly discussed in light of the inventive feature believed most pertinent to the reference for the purpose of this petition.

European Patent Application EP 0 892 579 A1 to Sehier, the Alcatel reference of the Search Report, discloses a procedure for transmitting ATM source cells where each source cell is allocated a variable number of bits and the coding of each source cell is adapted based on the number of bits allocated to it. Information about coding is contained in a header of a mother cell regarding coding characteristics of a daughter cell. However, Sehier does not disclose or suggest “some bits of said input block are punctured or repeated based on a variation between said final size and said initial size in said rate matching step” as recited in Applicants’ independent Claim 14.

U.S. Patent No. 5,757,813 to Raith, the second reference of the Search Report, discloses a method for changing degree of channel coding in terms of modulation type and rate in which a mobile station requests a change in service based on a detected error rate. However, Raith does not disclose or suggest “some bits of said input block are punctured or repeated based on a variation between said final size and said initial size in said rate matching step” as recited in Applicants’ independent Claim 14.

European Patent Application No. EP 0 627 827 A2 by Berruto et al., the Philips Electronics reference of the Search Report, discloses a method for controlling on a same radio channel the transmission of variable rate information streams. However, Berruto et al.

does not disclose or suggest "some bits of said input block are punctured or repeated based on a variation between said final size and said initial size in said rate matching step" as recited in Applicants' independent Claim 14.

Thus, Applicants submit that none of the references cited in the French Search Report, or by the Examiner during the prosecutions of great-grandparent application Ser. No. 09/553,064 and grandparent application Ser. No. 09/930,469, disclose or suggest the method recited in Applicants' independent Claim 14. Similarly, Applicants submit that none of the above discussed references disclose or suggest the embodiments recited in Applicants' independent Claims 18 and 23-24.

III. Conclusion

The applicants believe that the above provides information required for a favorable petition to make special. Therefore, applicants respectfully request that this application be advanced out of turn for examination.

Respectfully submitted,



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870
Michael E. Monaco
Registration No. 52,041

Customer Number

22850

(703) 413-3000

Fax #: (703) 413-2220

EHK/MEM/kkn

I:\ATTYMM\AMENDMENT\1076248262.PET. TO MAKE SPEICAL.DOC